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| 10/541,121   | 06/30/2005  | Michel Droux         | 273503US0PCT                    | 7809                        |
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| OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.<br>1940 DUKE STREET<br>ALEXANDRIA, VA 22314 |             |                      | EXAMINER<br>HALPERN, MARK       |                             |
|  |             |                      | ART UNIT<br>1791                | PAPER NUMBER                |
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oblonpat@oblon.com  
jgardner@oblon.com



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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/541,121  
Filing Date: June 30, 2005  
Appellant(s): DROUX ET AL.

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Jacob A. Doughty  
For Appellant

**EXAMINER'S ANSWER**

Art Unit: 1791

This is in response to the appeal brief filed 3/24/2010 appealing from the Office action mailed 4/23/2009.

**(1) Real Party Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

None

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

Claims 1-17 and 21-25 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kajander (5,837,620).

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### **WITHDRAWN REJECTIONS**

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner.

Claims 1-17, 21-25 are rejected under 35 U.S.C. 112, first paragraph.

Claims 1-17, 21-25 are rejected under 35 U.S.C. 112, second paragraph.

### **(7) Claims Appendix**

The copy of appealed claims contained in the Appendix to the brief is correct.

### **(8) Evidence Relied Upon**

5,837,620

Kajander

11-1998

### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-7, 10-12, 15-17 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kajander (5,837,620).

Claims 1, 4, 10-11, 15: Kajander discloses the process of making a mat that includes mixing chopped glass fibers and cellulosic fibers into a slurry stream of whitewater that is cationic and placing the slurry on a wire, draining the slurry over the wire to create a web followed by drying the formed web in an oven of up to 350 °F (col. 3 lines 64-67). The process includes the application of a binder to the bed (entire document). In view that the glass fibers and cellulosic fibers are mixed in a slurry, the glass fibers and the cellulosic fibers are uniformly or homogeneously dispersed or in the least it, it would have been obvious to one skilled in the art at the time the invention was made, that the mixing of said fibers in a slurry would result in uniformly or homogeneously distributed fibers.

Claim 5: cationic dispersant is disclosed in Example 1, col. 4, lines 49-63.

Claims 6-7, 12: the product composition is disclosed in the Examples.

Claims 16-17; the cellulose treatment is disclosed.

Claims 2-3, 8-9, 13-14, 21-22, 23-25, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kajander.

Claims 2-3: Kajander is applied as above for claim 1, Kajander is silent on the cationic Neutrality, however, it would have been obvious to one skilled in the art at the time the invention was made, that the cationic neutrality be in the claimed range depending on the product requirements.

Claims 8-9: Kajander is applied as above for claim 1, Kajander is silent on the white water viscosity, however, it would have been obvious to one skilled in the art at the time the invention was made, that the white water viscosity be in the claimed range depending on the product requirements.

Claims 13-14: Kajander is applied as above for claim 1, Kajander is silent on the product basis weight, however, it would have been obvious to one skilled in the art at the time the invention was made, that the product basis weight be any weight including the claimed basis weight depending on the product requirements.

Claim 21: Kajander discloses the process of making a mat that includes mixing chopped glass fibers and cellulosic fibers into a slurry stream of whitewater that is cationic and placing the slurry on a wire, draining the slurry over the wire to create a web followed by drying the formed web in an oven of up to 350 °F (col. 3 lines 64-67). The process includes the application of a binder to the bed (Abstract, entire document). In view that the glass fibers and cellulosic fibers are mixed in a slurry, the glass fibers and the cellulosic fibers are uniformly or homogeneously dispersed or in the least it would have been obvious to one skilled in the art at the time the invention was made that the mixing of said fibers in a slurry would result in uniformly or homogeneously distributed fibers. In view

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that Kajander teaches that the fibers may be blended in different concentrations (col. 3, lines 16-42), it would have been obvious that the blending of fibers include the claimed amounts.

Claim 22: mat tear strength of 600 grams is disclosed in Table (col. 5, lines 12-20).

Claims 23-24: Kajander discloses the process of making a mat that includes mixing chopped glass fibers and cellulosic fibers into a slurry stream of whitewater that is cationic and placing the slurry on a wire, draining the slurry over the wire to create a web followed by drying the formed web in an oven of up to 350 °F (col. 3 lines 64-67). The process includes the application of a binder to the bed (Abstract, entire document). In view that the glass fibers and cellulosic fibers are mixed in a slurry, the glass fibers and the cellulosic fibers are uniformly or homogeneously dispersed or in the least it would have been obvious to one skilled in the art at the time the invention was made that the mixing of said fibers in a slurry would result in uniformly or homogeneously distributed fibers. In view that the claim does not define a degree of drying or dryness, it would have been obvious to one skilled in the art that the product mat of Kajander is dry. A dry product mat is disclosed in Example 1, col. 5, lines 5-8. In view that the Specification or the claim define fibers in an individual state, it would have been obvious that at least some fibers are in the individual state during passage through the bed.

Claim 25: in view that Kajander teaches that the fibers may be blended in different concentrations (col. 3, lines 16-42), it would have been obvious that the blending of fibers include the claimed amounts.

**(10) Response to Argument**

In regard to claim 1, Appellant alleges that the cited prior art, Kajander, does not disclose a process of forming a homogeneous veil.

In view that the glass fibers and cellulosic fibers are mixed in a slurry, the glass fibers and the cellulosic fibers are uniformly or homogeneously dispersed, or in the least it would have been obvious to one skilled in the art at the time the invention was made, that the mixing of said fibers in a slurry of Kajander would result in uniformly or homogeneously distributed fibers.

Appellant alleges that the mat of Kajander is not homogeneous but rather has a concentrated gradient.

Kajander discloses that it is advantageous to have a higher concentration of cellulosic fibers on both surfaces portions of the mat, extending into the mat thickness a small distance, with a higher concentration of glass in the center portion of the mat (col. 3, lines 23-28). This does not limit the mat to a body having a gradient and does not apply to all circumstances, it is only advantageous.

Appellant alleges that Kajander does not disclose a slurry that includes chopped glass fibers and cellulosic fibers.



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A slurry that includes glass fibers and cellulosic fibers is disclosed (col. 3, lines 15-20). The glass fibers are of various length, such as 0.25, 0.5, 0.75, 1.25 inches (col. 3, lines 5-10).

In regard to claim 21, Appellant alleges that Kajander does not disclose the formation of a homogeneous veil of comprising 2 to 12 wt % cellulose fibers, 70 to 80 wt % glass fibers, and 8 to 27 wt % binder.

In regard to claim 21, Kajander discloses the process of making a mat that includes mixing chopped glass fibers and cellulosic fibers into a slurry stream of whitewater that is cationic and placing the slurry on a wire, draining the slurry over the wire to create a web followed by drying the formed web in an oven of up to 350 °F (col. 3 lines 64-67). The process includes the application of a binder to the bed (Abstract, entire document). In view that the glass fibers and cellulosic fibers are mixed in a slurry, the glass fibers and the cellulosic fibers are uniformly or homogeneously dispersed or in the least it would have been obvious to one skilled in the art at the time the invention was made that the mixing of said fibers in a slurry would result in uniformly or homogeneously distributed fibers. In view that Kajander teaches that the fibers may be blended in different concentrations (col. 3, lines 16-42), it would have been obvious that the blending of fibers include the claimed amounts.

In regard to claim 21, Appellant alleges that there is no indication that cellulosic fibers are used or that the cellulosic fibers have an effect on performance of the mat of Kajander.

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The veil having no cellulose fibers does not correspond with the scope of the claim (not claimed). The claim does not recite advantages of or unexpected results resulting from having no cellulose in the veil.

In regard to claim 23, Appellant alleges that there is no indication that the process makes a dry veil.

The process of Kajander produces a dry mat, as for example, disclosed in Example 1 (col. 5, lines 5-8).

Applicants allege that the fibers or Kajander are not in an individual state during passage through the bed.

In view that the Specification or the claim define fibers in an individual state, it would have been obvious that at least some fibers are in the individual state during passage through the bed.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Mark Halpern/

Primary Examiner, Art Unit 1791

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Conferees:

/Y. N. G./

Supervisory Patent Examiner, Art Unit 1791

/Christopher A. Fiorilla/

Chris Fiorilla

Supervisory Patent Examiner, Art Unit 1700